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October 17, 2005

OCT 17 2005
MAIL ROOM

VIA HAND DELIVERY

Hon. Beth O'Donnell
Executive Director
Public Service Commission
211 Sower Blvd.
P. O. Box 615
Frankfort, KY 40601

Re: Joint Petition for Arbitration of an Interconnection Agreement with BellSouth Telecommunications, Inc. Pursuant to Section 252(b) of the Communications Act of 1934, as Amended; Docket No. PSC 2004-00044

Dear Ms. O'Donnell:

Enclosed for filing in the above-styled case is the original and ten copies of the Joint Petitioners' Motion to Withdraw Documents from the Kentucky Public Service Commission.

Thank you, and if you have any questions, please call me.

Very truly yours,

DINSMORE & SHOHL LLP



Holly C. Wallace

HCW/rk
Enclosure
103069v4
32138/1

BEFORE THE
KENTUCKY PUBLIC SERVICE COMMISSION

RECEIVED

OCT 17 2005

PUBLIC SERVICE
COMMISSION

In the Matter of:)
)
Joint Petition for Arbitration of NewSouth)
Communications Corp., NuVox Communications,)
Inc., KMC Telecom V, Inc., KMC Telecom III)
LLC, and Xspedius Communications, LLC on)
Behalf of Its Operating Subsidiaries Xspedius)
Management Co. Switched Services, LLC)
Xspedius Management Co. of Lexington, LLC and)
Xspedius Management Co. of [redacted] LLC)

Case No. 2004-00044

MOTION TO WITHDRAW

FROM THE COMMISSION

NewSouth Communications, LLC, Switched Services, LLC, Management Co. of Lexington, LLC and Xspedius Management Co. of Lexington, LLC, Inc., and Xspedius Management Co. of Lexington, LLC and Xspedius Management Co. of Lexington, LLC ("Joint Petitioners"), hereby move the Commission to withdraw from the Commission the original and copies of NewSouth Communications' Addendum to Customer Service Agreement ("Customer Service Agreement").

ORIGINAL

NewSouth Communications, Inc., and Xspedius Management Co. of Lexington, LLC and Xspedius Management Co. of Lexington, LLC ("Joint Petitioners"), hereby move the Commission ("Commission") to withdraw from the Commission the original and copies of NVX 000051 and 000052, NewSouth Communications' Addendum to Customer Service Agreement for Network Services

The above-referenced documents were the subject of the Joint Petitioners' Petition for Confidential Treatment filed on September 6, 2005. In that petition, the Joint Petitioners sought to have virtually the entire Customer Service Agreement subject to confidential treatment. On September 28, 2005, the Executive Director of the Commission, Beth O'Donnell, informed counsel for the Joint Petitioners that the documents would be made available for public inspection on October 18, 2005 unless the Joint Petitioners took further action. Upon further review, and pursuant to Ms. O'Donnell's letter of October 18, 2005, the Joint Petitioners request

that the original and all copies of the Customer Service Agreement (documents NVX 000051 and 000052) be withdrawn from the Commission, and returned to the undersigned counsel.¹

Respectfully submitted,



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**COUNSEL TO THE JOINT
PETITIONERS**

¹ In a separate motion to be filed concurrently with this motion, the Joint Petitioners will re-file the Customer Service Agreement and petition the Commission to treat the customer name, customer identifiable information, and a critical monetary term only as confidential.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 17th day of October 2005, a true and correct copy of the foregoing has been forwarded via first class U.S. Mail, to the following.

Dorothy J. Chambers
BellSouth Corporation
P.O. Box 32410
601 W. Chestnut Street, Room 407
Louisville, KY 40232-2410

James Meza III
BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
Tallahassee, FL 32301



COUNSEL TO JOINT PETITIONERS